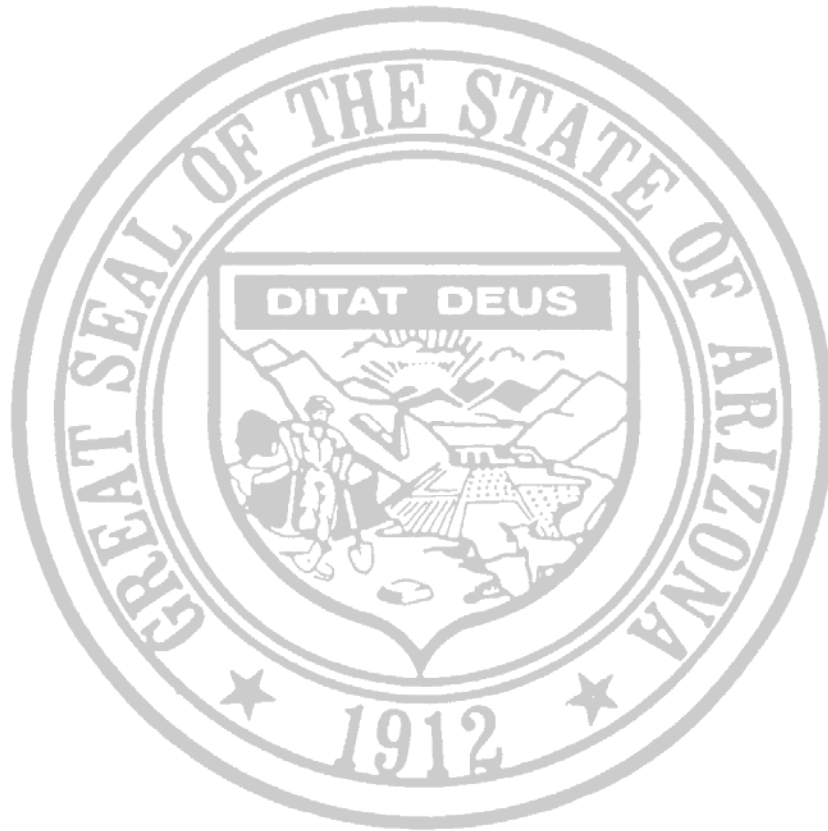


Arizona

Methods of Administration

Workforce Investment Act



Element Six:

Data Collection

ELEMENT SIX

DATA AND INFORMATION COLLECTION AND MAINTENANCE (29 CFR Part 37.54(d)(1)(iv) and (vi))

Purpose:

The State will address how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.37 through 37.41 related to data and information collection and maintenance. The State ensures that a data and information collection and maintenance system for its WIA Title I-financially assisted State programs is established and maintained. (See 29 CFR 37.53.)

Narrative:

The State of Arizona's Virtual OneStop (VOS) data and information collection system is in compliance with the requirements of the Workforce Investment Act Standardized Report Document (WIASRD) as published by the Department of Labor (DOL). The Local Workforce Investment Areas (LWIAs) are responsible for collecting and maintaining obtained information and the State is responsible for reporting the information to DOL via the WIASRD. All LWIA programs are monitored annually by the State to insure compliance with record keeping and contract requirements and to assess recipient Equal Opportunity performance; to identify instances or areas of discrimination; and to identify individuals or groups of individuals who have been discriminated against on a basis prohibited by WIA Section 188 and 29 CFR Part 37.

- **Recipients collect and maintain records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment;**

The LWIAs collect the information during the intake process and update as needed throughout the individual's participation in WIA Title 1B programs. LWIA staff is responsible for maintaining paper files on applicants for employment and each participant as well as entering and maintaining data in the VOS database system. The WIA Section programmatic monitors check the VOS data via a desk review of the records for an LWIA prior to an on-site visit to compare the paper files against the database records for data validity.

- **Recipients record the race/ethnicity, sex, age and disability status of each applicant, registrant, eligible applicant/registrant, participant, terminee, employee, and applicant for employment (29 CFR Part 37.37 (b)(2)).**

The LWIAs collect demographic (race/ethnicity, sex, age and disability status) information of each applicant, registrant, eligible applicant/registrant, participant, terminee, employee, and applicant for employment. LWIAs maintain paper files on each applicant, employee, and applicant for employment. LWIAs keep both paper and electronic records on each registrant and participant for WIA services. An individual is

considered an applicant at the point at which he/she submits personal information (e.g. name, address, social security number, etc.).

- **Recipients treat records, particularly those containing medical information, in a manner that ensures their confidentiality (29 CFR Part 32.15; 29 CFR Part 37.37(b)(2); and 29 CFR Part 37.41)**

State policy provides for the confidentiality of information collected and maintained regarding the disabilities of individuals. This requirement applies regardless of the status of the individual, whether applicant, participant, candidate for employment, etc.

Medical information obtained in the course of a post-employment offer medical examination or inquiry may be provided to appropriate decision-makers involved in the hiring process in order to make employment decisions consistent with ADA. The following are allowed access to this confidential information: supervisors and managers, first aid and safety personnel, and employers (once conditional offer of employment is made).

When an applicant/participant for WIA services provides medical or psychological information to substantiate an eligibility determination or for reasonable accommodations for program participation, that information is kept in a confidential, sealed envelope separate from the participant records file.

- **Recipients maintain a log of complaints filed that allege discrimination on one or more of the basis prohibited by WIA Section 188 (29 CFR Part 37.37).**

Complaints alleging discrimination on one or more of the following basis: race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship, and/or participation in a WIA Title I-financially assisted program or activity are kept in a log as required by the Civil Rights Center (CRC). Complaints may be filed at the LWIA level, the State level or with the CRC Director. The LWIA EO Officer notes each complaint filed on a discrimination complaint log and the log is forwarded to the State EO Officer for documentation. The complaint log contains the name and address of the complainant, the basis of the complaint, a description of the complaint, date filed, disposition, date of disposition and any other pertinent information relating to the complaint. LWIA EO Officers inform the State EO Officer about complaint investigations and submit complaint reports on a quarterly basis. The State EO Officer reports to CRC on an annual basis utilizing the Complaint Log distributed by the Civil Rights Center.

- **Recipients maintain such records for a period of three years (29 CFR Part 37.39).**

Complaint forms, investigation notes, disposition letters and other pertinent information on each complaint filed, as well as complaint logs, must be maintained by the LWIA or

sub-recipient for a period of three years from the close of the applicable program year unless a complaint has been filed and is not yet resolved.

The State of Arizona monitors recipient Equal Opportunity performance, identifies areas and individuals or groups of individuals that appear to be discriminated against to assure compliance with WIA Section 188 and 29 CFR Part 37. Records are maintained for a period of three years from the close of the applicable program year.

- **Grant applicants and recipients notify the CRC Director of administrative enforcement actions and lawsuits brought against them that allege discrimination on one or more of the basis prohibited by WIA Section 188 (29 CFR Part 37.37 (a).)**

The State as well as each grant applicant and recipient is required to promptly notify the Director of the Civil Rights Center when any administrative enforcement actions or lawsuits are filed against it alleging discrimination on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief. In addition, Arizona policy requires LWIAs and/or recipients to notify the Director of the Civil Rights Center under 29 CFR Part 37.37 (a) and the State concurrently.